

E-5553

IN THE MATTER OF) (BEFORE THE
) (
THE LICENSE OF) (TEXAS STATE BOARD
) (
ROBERT ALLAN KOMER, D.O.) (OF MEDICAL EXAMINERS

ORDER

On this the 12th day of January, 199¹0, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session the matter of the license of Robert Allan Komer, D.O. ("the Respondent"). On November 2, 1990, Respondent appeared in person with Michael Sharp at an Informal Settlement Conference in response to the Board's letter of invitation dated October 12, 1990.

The Texas State Board of Medical Examiners was represented at the Informal Settlement Conference on November 2, 1990, by Robert K. Bass, M.D., a District Review Committee member. Upon recommendation of said representatives and with the consent of Respondent, the Board hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Robert Allan Komer, D.O., holds Texas medical license E-5553.
2. The Board has jurisdiction over the subject matter and the Respondent. The Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. The Respondent's Michigan medical license, 005414, was summarily suspended on December 7, 1989, by the Michigan Board of Osteopathic Medicine and Surgery, Department of Licensing and Regulation, State of Michigan for inappropriate sexual behavior with 6 psychiatric patients which would have been a violation of Section 3.08(4) of the Medical Practice Act.

Based on the above findings of fact, the Board concludes that the Respondent has violated article 4495b, section 3.08(21) suspension, revocation, or restriction by another state of a license to practice medicine, or disciplinary action by the uniformed services of the

United States, based upon acts by the licensee similar to acts described in this section. These violations subject the Respondent to discipline under section 4.12 of article 4495b.

Based on the above findings of fact and conclusions of law, the Board ORDERS that:

The Respondent is placed on probation for three years under the following terms and conditions:

1. The Respondent shall continue treatment from T. Paschal Clarke, M.D., Houston, Texas, and shall authorize and request Dr. Clarke, to make an initial report to the Board with subsequent quarterly reports or at such other times as the Board may request, until Dr. Clarke releases the Respondent from treatment but in any event not less than three years. If the Respondent discontinues treatment before being released, Dr. Clarke is to report termination of treatment to the Board within ten (10) days from the date thereof. The reports referred to herein should address the Respondent's original diagnosis, treatment and prognosis, and subsequent progress or rehabilitation. The Board will furnish a copy of this Order to the psychiatrist as authorization for the psychiatrist to make quarterly reports to the Board regarding the Respondent's psychiatric evaluation and such other reports as the Board may request. Board staff shall furnish to the approved psychiatrist any Board information which may be helpful or required for the evaluation and treatment of the Respondent. The Respondent's failure to cooperate with the psychiatrist shall constitute a violation of this Order.
2. The Respondent shall notify the Board in the event he changes his employment with or assignment with his current employer, the Texas Department of Mental Health and Mental Retardation with assigned duties to the Texas Department of Corrections.
3. This Order shall be in effect for three years from the date signed by the President of the Board.

4. The Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers, and other employees, to verify that Respondent has complied and is in compliance with this Board Order.
5. The Respondent shall advise the Board of any change of address, mailing or office, within (10) days of such occurrence.
6. The time period during which the restrictions, limitations, or conditions are herein assessed shall not include any periods of time during which Respondent either resides or practices medicine outside the state of Texas. If Respondent leaves Texas to live or practice medicine elsewhere, the Respondent shall immediately notify the Board of the dates of the Respondent's departure from and subsequent return to Texas. Upon Respondent's return to Texas, the time period tolled by his departure shall continue until its expiration or termination by the Board.
7. The Respondent shall comply with all the provisions of Article 4495b, Texas Revised Civil Statutes Annotated, and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.
8. For the violation of any of the terms of this Order or Article 4495b, Texas Revised Civil Statutes Annotated, the Respondent could be cited to appear before the Board in a formal disciplinary hearing for such violations which could result in revocation of the Respondent's license to practice medicine or other disciplinary action.

THIS ORDER IS A PUBLIC RECORD.

Accepted and agreed to as to
substance and form:

Robert Allan Komer
Robert Allan Komer, D.O.

12-3-90
Date signed

SIGNED on this 12th day of January, 199¹0.

Robert A. Komer
President, Texas State Board of
Medical Examiners

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